

AN ACT

ENTITLED, An Act to limit the time that a child may remain in foster care under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 26-8A-26 be amended to read as follows:

26-8A-26. If an adjudicated abused or neglected child whose parental rights have not been terminated has been in the custody of the Department of Social Services without a court approved plan for long-term foster care and it appears at a dispositional or review hearing that all reasonable efforts have been made to rehabilitate the family, that the conditions which led to the removal of the child still exist, and there is little likelihood that those conditions will be remedied so the child can be returned to the custody of the child's parents, the court shall affirmatively find that good cause exists for termination of the parental rights of the child's parents and the court shall enter an order terminating parental rights. If the court does not find at the hearing, which shall be conducted in the same manner as a dispositional hearing, that good cause exists for termination of parental rights, the court may make further disposition of the child as follows:

- (1) Return custody of the child to the child's parents, guardian or custodian, with or without supervision;
- (2) Continue foster care placement of the child for a specified period of time, and, if the child is sixteen years of age or older, direct the Department of Social Services to determine the services needed to assist the child to make the transition from foster care to independent living and, if appropriate, provide a plan for independent living for the child;
- (3) Place the child in the custody of the Department of Social Services, a child placement agency, foster home or other child care facility for long-term foster care under a

court-approved plan which names a specific foster home for the child, with or without guardianship of the child, and determines visitation rights of the child's parents, guardian or custodian. Under this subdivision, the court may retain jurisdiction of the action and proceedings for future consideration of termination of parental rights if termination of parental rights is the least restrictive alternative available in keeping with the best interests of the child.

In no case may a child remain in foster care for a period in excess of twelve months without the court making a dispositional decree setting forth one of the above options.

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I certify that the attached Act
originated in the

SENATE as Bill No. 64

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 64

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State